

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

To Be Determined	
(Formerly-Club Rendezvous)	Fact-
Retailer CN	Finding
	Hearing
(License in Safekeeping	
Without Location)	

February 19, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(11:01 a.m.)

CHAIRPERSON MILLER: All right.

Our next Fact-Finding Hearing is also a license in safekeeping case, Rendezvous. All right. When you are ready, if you want to introduce yourselves for the record, please?

MS. DICKSON: Delores Dickson.

MR. DICKSON: Okay. Ronald Dickson.

CHAIRPERSON MILLER: Okay. Now, if I recall, your license is for nude dancing and you were trying to find a location. I think that our last Fact-Finding Hearing was in July.

Okay. So at that Fact-Finding Hearing, we granted you an additional six months in safekeeping. Can you tell us where you are with your license?

MR. DICKSON: Okay. We, Madam Chairman and the Board, found a place. We thought we found a place on 24th Place, N.E.,

1 and we submitted a tenant lease and a map of
2 the area. And it come to find out we read the
3 little paragraph on the top of the map that
4 said we could go there, so we got into deep
5 negotiations trying to get into that area.

6 And when we submitted it to the
7 Board, the Board refused it because there is
8 another establishment 600 feet away from
9 there, but on the map, on the top of the map,
10 I don't know whether you got it or not, but on
11 the top of the map is said we could. So we
12 thought we were safe.

13 CHAIRPERSON MILLER: So you could
14 go there under the Zoning Rules and
15 Regulations, but this Board or another board
16 told you you couldn't?

17 MR. DICKSON: I'm assuming it is
18 this Board.

19 CHAIRPERSON MILLER: In our Fact-
20 Finding Hearing? I mean, when did we tell
21 you?

22 MR. DICKSON: We didn't get a

1 Fact-Finding Hearing. We just submitted it to
2 the --

3 CHAIRPERSON MILLER: Staff told
4 you? Okay.

5 MEMBER ALBERTI: Excuse me, Ms.
6 Miller, I suspect that it was staff who told
7 him --

8 MR. DICKSON: Staff.

9 MEMBER ALBERTI: -- or informed
10 them and I'm assuming correctly that they
11 didn't meet the requirements because of
12 another establishment within 600 feet. So
13 these matters don't generally come to the
14 Board. They are a matter of law and staff can
15 tell them that. If you don't qualify, staff
16 is able to tell you you don't qualify.

17 CHAIRPERSON MILLER: Right. There
18 is another nude dancing establishment. Is
19 that it?

20 MR. DICKSON: Yes.

21 CHAIRPERSON MILLER: Okay. So
22 zoning wouldn't have told you that. That

1 would have been us, right. Okay.

2 MS. DICKSON: I have a copy of it
3 if you would like to see it.

4 CHAIRPERSON MILLER: Okay. When
5 was that?

6 MR. DICKSON: I don't know the
7 date.

8 MS. DICKSON: There's no date on
9 it. It doesn't say. I can't remember the
10 date.

11 MR. DICKSON: Shoot. I don't
12 remember the date. It was around January 3rd.

13 CHAIRPERSON MILLER: So you found
14 a location, but --

15 MR. DICKSON: Yes, we thought we
16 found a location, yes.

17 CHAIRPERSON MILLER: Right. But
18 you didn't pursue it because you were told you
19 couldn't go there?

20 MR. DICKSON: Well, in the
21 beginning, we were told if you read the map
22 there in just the top right hand corner, there

1 was a thing that said we could, so we kind of
2 went at it very strongly trying to get
3 everything settled and to bring it into you or
4 to submit it to you. And we were told --
5 actually today was the day that I was told
6 that we were supposed to get a legal letter
7 from the ABC -- I can't say the ABC Board,
8 from the ABC.

9 CHAIRPERSON MILLER: From ABRA,
10 okay.

11 MR. DICKSON: Yes, from ABRA.

12 CHAIRPERSON MILLER: All right.

13 MR. DICKSON: That we couldn't go,
14 but we never received the letter.

15 CHAIRPERSON MILLER: Oh.

16 MR. DICKSON: So we have now
17 actively started looking at a few, a couple
18 other places that we think we can go, but
19 again, we have to submit them and get the map
20 and go through all the legal ramifications to
21 get this. But we are pretty sure that within
22 a six month period of time, we will be in

1 business and we will be ready to go to work,
2 if we are allowed to by the Board.

3 CHAIRPERSON MILLER: Okay. Okay.
4 This letter, who is this letter to? I have a
5 letter that sits in front of me from Brian
6 Lloyd.

7 MR. DICKSON: Yeah, he is the --

8 CHAIRPERSON MILLER: To Whom It
9 May Concern. Who did this go to?

10 MR. DICKSON: Yeah, he is one of
11 the investors. He is one of the investors who
12 wanted to go into business with us to get this
13 establishment open, get the establishment
14 open. But the main concern, if you look at
15 the top right hand corner of the map --

16 CHAIRPERSON MILLER: Right. So
17 that's the Zoning Map. So I remember that we
18 talked about this before. Isn't there a --
19 it's just a small area where you can go or
20 not?

21 MR. DICKSON: Basically, it's a
22 very restricted place -- nightclub license,

1 the place, very restricted.

2 CHAIRPERSON MILLER: Um-hum.

3 MR. DICKSON: And like you said,
4 there is a small area where we can go into.
5 And but we are actively, very actively -- she
6 is out every day riding the streets trying to
7 find a place that meets all the requirements.
8 And, you know, even on the weekends when I'm
9 off, I'm actively looking along with a
10 commercial realtor, who is very good at what
11 he is doing. He's very patient with us.

12 CHAIRPERSON MILLER: I think he
13 was here once, right, or is that a different
14 case?

15 MR. DICKSON: I don't think so.

16 CHAIRPERSON MILLER: No?

17 MR. DICKSON: But his name is
18 Alperstein. I don't think he was here.

19 MEMBER ALBERTI: No.

20 CHAIRPERSON MILLER: No.

21 MEMBER ALBERTI: No, the Dicksons
22 have not appeared before.

1 CHAIRPERSON MILLER: Okay.

2 Somebody else. So if it's a small -- just
3 help me. If it's a small area, why does it
4 take so long to figure out if there is a
5 location or not there?

6 MR. DICKSON: Well, as the Board
7 knows, we've got to be 200 feet away from the
8 residents, I believe it is, 600 feet away from
9 another establishment of the same place. I
10 forgot what it is from the schools, but I'm
11 going to assume it's 200 feet away from a
12 school.

13 And we found a lot of places to be
14 honest with you and it's like that short, like
15 2 feet short of the 200 feet of the apartment
16 building or resident.

17 CHAIRPERSON MILLER: Okay.

18 MR. DICKSON: And that we found
19 another place now that is going to take a lot
20 of renovation, but, hey, it's a place.

21 CHAIRPERSON MILLER: Oh, so you
22 have one? You do have a place?

1 MR. DICKSON: Yes.

2 CHAIRPERSON MILLER: But it will
3 involve a bigger investment?

4 MR. DICKSON: Bigger investment.

5 CHAIRPERSON MILLER: Okay.

6 MR. DICKSON: And a lot of
7 renovations.

8 CHAIRPERSON MILLER: Okay. Do
9 Board Members have questions? Yeah?

10 MEMBER ALBERTI: Well, yes, I do.
11 Good morning.

12 MR. DICKSON: Okay. It's still
13 morning.

14 MEMBER ALBERTI: Sir. Okay.
15 Well, I'm going to actually go to your last
16 statement. You said you have a prospect?

17 MR. DICKSON: I have a beautiful,
18 a nice prospect.

19 MEMBER ALBERTI: Okay.

20 MR. DICKSON: Yes.

21 MEMBER ALBERTI: So have you
22 vetted that with the staff here to see if it

1 meets the requirements?

2 MR. DICKSON: Not as yet. We just
3 got - to be honest with you, we just got it
4 Sunday. We just got notified of it Sunday.

5 MEMBER ALBERTI: Oh, okay. I
6 guess that's pretty -- that an interesting
7 coincidence. Just Sunday, huh? Just in time
8 for this hearing, boy, that's a pretty --

9 MR. DICKSON: It's true.

10 MEMBER ALBERTI: Yeah, yeah, yeah.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: You know, if I
13 was you, Mr. Dickson, I would have been in
14 here yesterday bugging the staff. Given where
15 we are right now, I would have been in here
16 sitting down all day with staff to find out if
17 that met the requirements.

18 MR. DICKSON: Bug the staff?

19 MEMBER ALBERTI: But you didn't.
20 But you know, that's up to you, so --

21 MR. DICKSON: All right.

22 MEMBER ALBERTI: That's just my

1 advice.

2 MS. DICKSON: Well, we could --

3 MR. DICKSON: I would like to
4 answer that.

5 MEMBER ALBERTI: No, you don't
6 need to answer it. That's my comment. I have
7 some extra questions.

8 MS. DICKSON: Let me --

9 MEMBER ALBERTI: I have some
10 additional questions. All right. So this
11 license has been in here since 2008. Is that
12 correct in safekeeping?

13 MR. DICKSON: Yes.

14 MEMBER ALBERTI: Since 2008.
15 Okay. And we brought you in in January of
16 2013, beginning of January. So between 2008
17 and 2013, what efforts did you make to find a
18 home for this license?

19 MR. DICKSON: Quite a bit to be
20 honest with you. We have -- because, number
21 one, I think the laws changed in 2014. No,
22 2010, I think it was the law changed where

1 churches weren't involved. At one time,
2 churches were involved.

3 MEMBER ALBERTI: Um-hum.

4 MR. DICKSON: And the law changed,
5 so we found out we could go there and things
6 have changed so much that every time we go
7 somewhere, we found out something different
8 that we can do. So but we have been actively
9 working hard, very hard.

10 MEMBER ALBERTI: What does that
11 mean? I mean, you know, you have been
12 actively working. Give me some details. Tell
13 me what. Tell me what you have done.

14 MR. DICKSON: Okay.

15 MS. DICKSON: Long and Foster, a
16 private -- people that say we have a building
17 so look at it. It is not within your
18 jurisdiction where we can go with a license
19 like that. But I have come to the conclusion
20 we can change it and they will be covered. It
21 won't be nude dancing.

22 MEMBER ALBERTI: What was that

1 last comment? You could change what and it
2 would be --

3 MS. DICKSON: Change the venue to
4 a -- there will be dancers, but they will be
5 in clothes like --

6 MEMBER ALBERTI: So it would not
7 be a nude dancing?

8 MS. DICKSON: Yes, that's right.

9 MEMBER ALBERTI: You have had
10 that --

11 MS. DICKSON: If that's what we
12 have to do, yes.

13 MEMBER ALBERTI: And you have had
14 that option for -- since 2008 that option has
15 been out there for you, right?

16 MS. DICKSON: No.

17 MR. DICKSON: No.

18 MEMBER ALBERTI: Is that correct?

19 MS. DICKSON: And we tried to find
20 the new place and this --

21 MEMBER ALBERTI: Okay.

22 MS. DICKSON: -- seems so hard.

1 MEMBER ALBERTI: So we had you in
2 in January 2013 and again in July.

3 MS. DICKSON: Um-hum.

4 MEMBER ALBERTI: And in July you
5 came to us and you said oh, we found some
6 place downtown.

7 MS. DICKSON: Yeah.

8 MEMBER ALBERTI: But oh, that fell
9 through for various reasons. All right.
10 Okay. Now, we are back again six months later
11 and you tell me that you find out only on
12 January 3rd, six months after July 10th, you
13 find out that you have a place, but it's not
14 eligible.

15 MS. DICKSON: Um-hum.

16 MR. DICKSON: Now --

17 MEMBER ALBERTI: Wait, wait. All
18 right. So now, okay, I've got another sounds
19 familiar to me, like what I heard in July, but
20 it's a different place, but -- and for
21 different reasons, so it is different. But we
22 now have two places that have fallen through.

1 So what confidence should this
2 Board have? I mean, what can you tell this
3 Board that we have confidence that this next
4 place isn't going to fall through?

5 MR. DICKSON: Well, the confidence
6 is that, number one, my wife won't give up.
7 Number two, I don't want to give up either.
8 And --

9 MEMBER ALBERTI: Well, you haven't
10 been giving up, so that doesn't help.

11 MR. DICKSON: No.

12 MEMBER ALBERTI: Quite frankly.

13 MR. DICKSON: And that we -- you
14 know, as we stated before that the laws
15 changed so much that we get one thing set in
16 our minds to do something, then we know we
17 can't do --

18 MEMBER ALBERTI: The law didn't
19 change since 2010.

20 MR. DICKSON: Yes. And we -- then
21 again, you've got the realties or the
22 landlords who don't want to rent to a strip

1 nightclub.

2 MEMBER ALBERTI: So great.

3 MR. DICKSON: Or nude club.

4 MEMBER ALBERTI: You have given --
5 you have told me nothing that gives me
6 confidence. I'm asking you to tell me what
7 can you tell me that will give me confidence
8 that this next place is -- and, you know,
9 you're telling me all these things but you are
10 telling me nothing about this place that you
11 are looking at. And that raises red flags for
12 me.

13 MR. DICKSON: Okay.

14 MEMBER ALBERTI: You speak nothing
15 specifically about the place you just told us
16 you have. That raises all kinds of red flags
17 with me, Mr. Dickson.

18 MR. DICKSON: Well, let me see
19 now. Let me see if I can put it together.
20 The place we are looking at now, is a cab
21 company that is actually going out of
22 business. It has adequate -- it meets all the

1 requirements, except for there is a church on
2 the right hand side, but it meets all the
3 requirements.

4 It is away from schools. It is
5 away from residents. And the main thing is we
6 have an investor now who is going to put up
7 the money for it who is saying okay, let's go
8 if we can, if the Board will allow you to go.
9 We are going to do this. And the only thing
10 is he was here earlier today, but he had a --
11 he is a lawyer and he had a court case coming
12 up at 11:00.

13 MEMBER ALBERTI: So what kind of
14 agreement do you have? Do you have something
15 in writing with him or just a verbal agreement
16 with him?

17 MR. DICKSON: Right now, it's
18 basically a verbal agreement, but there is a
19 letter up there that Madam Chairman has that
20 has his name on it as he is representing us
21 right now to go into this business. I don't
22 think - do we have another copy of that?

1 MS. DICKSON: No, I don't.

2 MEMBER ALBERTI: Okay. Let me ask
3 you. Hypothetically, what happens if we gave
4 you six months and this place falls through?
5 What's your next move?

6 MR. DICKSON: My next move is to
7 send you a letter saying I give up.

8 MEMBER ALBERTI: Honestly?

9 MR. DICKSON: Honestly.

10 MS. DICKSON: Honestly. I know
11 you may not want to hear some of this, but we
12 have had a great hard time.

13 MR. DICKSON: She is getting ready
14 to cry because she lost two sons.

15 MEMBER ALBERTI: Look, I
16 understand a lot happens. Ms. Dickson, I
17 understand that a lot happens in six years.
18 And I know I'm being sort of very firm with
19 you here, and I understand that. I mean, I
20 gave you six months in July because I really
21 believed you guys are looking earnestly.

22 MS. DICKSON: Well, we are.

1 MEMBER ALBERTI: Is that right? I
2 know you are. And I know -- and also what
3 factored into my decision is I know how
4 difficult it is to place these licenses. But
5 at some point, you know, we all may have to
6 come to the realization that it's just not
7 practicable -- practical to place this
8 license.

9 I mean, and it doesn't make sense
10 to leave it hanging out there, because it
11 costs staff money to do that. You know, we've
12 got to keep track of this license. And so,
13 you know, that's where I'm coming from. But,
14 you know, I have to ask you these tough
15 questions, so that we have the facts and we
16 can take those into consideration with our
17 knowledge.

18 I mean, it's not that we don't
19 understand how difficult it is to place these
20 licenses. There is very -- zoning allows you
21 very limited places and then there are those
22 other restrictions and I understand that.

1 CHAIRPERSON MILLER: Others? Mr.
2 Brooks?

3 MEMBER BROOKS: Yes. Thank you,
4 Madam Chair. Mr. and Mrs. Dickson, this Board
5 is not insensitive and not unaware of your
6 plight and how difficult it is to find a
7 location. But I'm just echoing what Board
8 Member Alberti has already shared with you.
9 It has been six years, that's a long time.

10 And it can't go on forever, as you
11 well know. And you were present in the
12 hearing room, the case before you, and you saw
13 what we had to go through and what they had to
14 go through in reaching a decision as to which
15 way to go as far as this Board is concerned.

16 Do you have an attorney advising
17 you or working with you --

18 MR. DICKSON: Not at this time.

19 MEMBER BROOKS: -- on issues and
20 dealing with ABRA and other nuances of the law
21 and not getting confused with what you read on
22 certain documents?

1 MR. DICKSON: Not at this time.

2 MEMBER BROOKS: Okay.

3 MR. DICKSON: We don't have a
4 lawyer.

5 MEMBER BROOKS: A lawyer can give
6 you the -- can guide you in the right
7 direction.

8 MR. DICKSON: Yeah.

9 MEMBER BROOKS: And it would have
10 been helpful to me -- I did see the gentleman
11 back there with you. You say he had to leave
12 because he had a court case?

13 MR. DICKSON: Yes, sir.

14 MEMBER BROOKS: If he had been
15 able to stay, number one, of course he
16 couldn't because he had something else to do,
17 but secondly, knowing that he had another
18 case, if he had a partner or somebody who
19 could sit there with you and to share with and
20 tell us exactly what his intentions or his
21 partner's intentions are. That would have
22 been helpful to me.

1 MR. DICKSON: Right.

2 MEMBER BROOKS: Thank you, Madam
3 Chair. That's all I have.

4 CHAIRPERSON MILLER: Okay.
5 Others? I just want to follow-up on, Mrs.
6 Dickson, I thought what I heard you say that
7 you might not pursue the nude dancing, that
8 you might just pursue dancing, which would be
9 a different --

10 MS. DICKSON: Yes.

11 CHAIRPERSON MILLER: Is that
12 right?

13 MS. DICKSON: Yes.

14 CHAIRPERSON MILLER: Are you there
15 now?

16 MS. DICKSON: It would be with
17 entertainment.

18 CHAIRPERSON MILLER: Just
19 entertainment?

20 MS. DICKSON: Yes. But not the
21 total nudity like the license is for.

22 CHAIRPERSON MILLER: Right,

1 because what this license is is for nude
2 dancing.

3 MS. DICKSON: Yes, yes.

4 CHAIRPERSON MILLER: So you
5 wouldn't need to worry about this license if
6 you went just to entertainment.

7 MS. DICKSON: Correct.

8 MR. DICKSON: Yeah. But I think
9 what she is saying is she is saying that we
10 are not -- we would like to go forward with
11 trying to get the nudity in there, but if it
12 comes down to it, like Mr. Alberti said, that
13 what are you going to do if we give you the
14 six months. Like I told him, I would give him
15 a letter saying that we are finished. We are
16 done, we won't pursue it any more.

17 But we would like to pursue the
18 nudity and then if we don't, then we will
19 gladly surrender the license with no
20 objection, with no whatever.

21 CHAIRPERSON MILLER: Okay. And
22 this is kind of what I asked the last people

1 similarly, why six months, at this point?

2 MR. DICKSON: Well, number one is,
3 I think, we are paid up for the license to be
4 in safekeeping now for another six months. We
5 are just asking for the duration of that time
6 that we paid for already.

7 CHAIRPERSON MILLER: Okay. And
8 where are you now specifically? Do you have
9 a location, but it's a maybe location, right?

10 MR. DICKSON: We have a tentative
11 location.

12 CHAIRPERSON MILLER: Tentative.
13 And you are just kind of consulting with ABRA
14 staff and Zoning staff? Is that on your own?
15 Is that it?

16 MR. DICKSON: Yes. We are going--
17 every time we go to them, we have to send them
18 an email. Then we have to wait for a reply.
19 It's not something where we can walk in and
20 say hey, excuse me, or hey, can you do this,
21 can you do that? It's not -- that's not the
22 way they operate. And I guess they are doing

1 it legally, because they want it in writing,
2 which is the way it should be.

3 CHAIRPERSON MILLER: Who?

4 MR. DICKSON: The staff. They
5 won't, you know --

6 CHAIRPERSON MILLER: Which staff?

7 MR. DICKSON: Huh?

8 CHAIRPERSON MILLER: Which staff?
9 ABRA staff or Zoning staff?

10 MR. DICKSON: ABRA staff.

11 CHAIRPERSON MILLER: ABRA staff.

12 MR. DICKSON: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MR. DICKSON: And we can't just
15 walk in. We have to email them and ask for
16 what we want. Then they respond back.

17 MEMBER BROOKS: I just have a
18 question, Madam Chair.

19 CHAIRPERSON MILLER: Yes.

20 MEMBER BROOKS: Now, can you pick
21 up the phone and call whoever you are working
22 with and schedule an appointment to come down

1 and go over issues with him at ABRA?

2 MR. DICKSON: Yeah.

3 MEMBER BROOKS: Okay. So it's not
4 all --

5 MR. DICKSON: Some of the things--

6 MEMBER BROOKS: -- by email --

7 MR. DICKSON: But most of the --

8 MEMBER BROOKS: -- back and forth?

9 MR. DICKSON: Yeah. But most of
10 the things that we need, has to be done by
11 email and -- for the staff to respond. They
12 won't verbally say yes or no. They want --
13 what they do, it's just like, you know, any
14 legal matter, basically, I guess. I'm not a
15 lawyer or anything, so I don't know, but I'm
16 assuming that's because of the legality of it.

17 MEMBER BROOKS: Okay.

18 MR. DICKSON: Because -- well, I
19 hate to bring up somebody's name, but Ms.
20 Fletcher she won't respond to you unless you
21 send her an email.

22 CHAIRPERSON MILLER: Okay.

1 MEMBER BROOKS: But I have seen
2 other licensees here meeting with staff.

3 MR. DICKSON: Yeah.

4 MEMBER BROOKS: And that's what
5 I'm kind of confused about.

6 MS. DICKSON: I was here a couple
7 of weeks ago.

8 MR. DICKSON: Yeah. We can bring
9 -- yeah, she was here a couple weeks ago.

10 MEMBER BROOKS: Yeah, okay.

11 MR. DICKSON: And she brought in
12 paperwork to give to the staff, which was, in
13 turn, supposed to go to you guys.

14 MEMBER BROOKS: Okay. Okay. All
15 right. All right. Thank you, Madam Chair.

16 CHAIRPERSON MILLER: Oh, okay.
17 All right. So just as far as where you are,
18 is it 2122 24th Place is where you want to be?

19 MR. DICKSON: I would love to be
20 there because it meets all the -- has
21 everything, parking and the whole nine yards.

22 CHAIRPERSON MILLER: Okay. That's

1 what is mentioned in this letter.

2 MR. DICKSON: Right.

3 MEMBER ALBERTI: That's the new
4 place?

5 CHAIRPERSON MILLER: Is that
6 what --

7 MR. DICKSON: That's the one we
8 were -- when we were told we could go and then
9 we were told we can't go.

10 CHAIRPERSON MILLER: You can't go.

11 MEMBER ALBERTI: So that's the
12 place that's off the table now?

13 MR. DICKSON: Right, yes.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: Right as of
16 January 3rd.

17 MR. DICKSON: Yes, it's no good.

18 MEMBER ALBERTI: Right. Right,
19 okay.

20 CHAIRPERSON MILLER: What is the
21 place that you want to go to now?

22 MR. DICKSON: It is --

1 MS. DICKSON: What was it? It was
2 some --

3 MR. DICKSON: L Street. I'm
4 trying to think. It was 37 L Street, N.E. --
5 S.E.

6 CHAIRPERSON MILLER: So that
7 location you just found on Sunday? Is that
8 right?

9 MR. DICKSON: Yes.

10 CHAIRPERSON MILLER: So what would
11 your next steps be then?

12 MR. DICKSON: Our next steps would
13 be to go to the realtor or go -- our
14 commercial realtor to go to them --

15 CHAIRPERSON MILLER: Um-hum.

16 MR. DICKSON: -- and have a sit
17 down.

18 CHAIRPERSON MILLER: Okay. So you
19 would go to your realtor. Your realtor would
20 arrange a meeting with the owners. And how
21 about determining whether it meets the
22 requirements under the ABC Laws and the Zoning

1 Laws.

2 MR. DICKSON: Well, then the whole
3 time we would go to this -- we would email Ms.
4 Fletcher, who would put out a map that would
5 let us know whether we could go there or not.
6 But try to consolidate everything at one time
7 just to get it done.

8 MEMBER ALBERTI: Ms. Miller, may I
9 ask a real quick question?

10 CHAIRPERSON MILLER: Sure. Go
11 ahead.

12 MEMBER ALBERTI: 37 L Street,
13 S.E.?

14 MR. DICKSON: Yes.

15 MEMBER ALBERTI: That's in the
16 midst of all that development that is going
17 on? There is a new Whole Foods going in, I
18 believe, at 3rd or 2nd and I. Am I correct,
19 right there where all those new buildings are
20 going up?

21 MR. DICKSON: I don't know whether
22 the Whole Foods is going there or not. I have

1 no idea. We just briefly rode by there, but
2 it is near the ballpark. It's near -- down
3 the street about two blocks, three blocks is
4 a Marriott Hotel, I believe.

5 MEMBER ALBERTI: So this cab
6 company is going to sell you the property?

7 MR. DICKSON: Yes.

8 MEMBER ALBERTI: How --

9 MR. DICKSON: Sell it or -- we
10 would like to buy it, yes.

11 MEMBER ALBERTI: Okay. So or
12 lease it.

13 MR. DICKSON: Right.

14 MEMBER ALBERTI: Okay. How large
15 of a piece of property is this? The whole
16 lot, not the building, but the whole lot.

17 MR. DICKSON: The whole lot?

18 MEMBER ALBERTI: That you would
19 acquire for your use.

20 MR. DICKSON: She has got --
21 that's improvement, that's the prints. I'm
22 reading and it says the lot is 7,747 square

1 feet. No, I'm sorry, it's 9,517 square feet.

2 MEMBER ALBERTI: 9,500 square
3 feet. Okay. Nice size property.

4 CHAIRPERSON MILLER: What are you
5 reading from?

6 MR. DICKSON: It's a Long and
7 Foster --

8 MEMBER ALBERTI: This is not
9 really important, but it's very close to where
10 the old Nexus Gold Club was.

11 MR. DICKSON: Right.

12 MEMBER ALBERTI: Is that correct?

13 MR. DICKSON: Right.

14 MEMBER ALBERTI: Yeah. I know the
15 area.

16 MR. DICKSON: Right down the
17 corner from where it used to be in the
18 beginning.

19 MEMBER ALBERTI: Right.

20 CHAIRPERSON MILLER: It's a Long
21 and Foster what?

22 MR. DICKSON: It's just the --

1 MS. DICKSON: The dimensions.

2 MR. DICKSON: -- dimensions and
3 the location of where it is. And it's Long
4 and Foster Commercial Division, just something
5 to tell us what it is.

6 CHAIRPERSON MILLER: So did you
7 find it because of Long and Foster?

8 MR. DICKSON: No. We found it
9 through our -- the guy who is the realtor who
10 is working with us.

11 CHAIRPERSON MILLER: Okay. Okay.

12 MR. DICKSON: He just sent us a --
13 I don't know what you call it, but --

14 CHAIRPERSON MILLER: So you have a
15 realtor that is working with you. Is the
16 realtor familiar with the Zoning Regulations
17 and the --

18 MR. DICKSON: He is now, yes.

19 CHAIRPERSON MILLER: -- alcohol?
20 Okay. Okay.

21 MR. DICKSON: Yes.

22 CHAIRPERSON MILLER: Mr.

1 Silverstein?

2 MEMBER SILVERSTEIN: Thank you,
3 Madam Chair. Mr. Dickson and Ms. Dickson, we
4 certainly understand the difficulties. And
5 the hoops that you have to run through or go
6 through are probably more than anything we
7 ever see.

8 But I want to ask you questions
9 about how serious are you about 2122 24th
10 Place, N.E.?

11 MR. DICKSON: How serious are we?

12 MEMBER SILVERSTEIN: Yes.

13 MR. DICKSON: Very, very serious.

14 MEMBER SILVERSTEIN: Well --

15 MR. DICKSON: Can I -- it is just
16 a beautiful location, number one. I forgot
17 the square footage. But it has -- it's big.
18 It has a parking lot. It's off the beaten
19 path. And when I say off the beaten path,
20 it's not in the main street. It's on a side
21 street.

22 MEMBER SILVERSTEIN: I see that

1 it's -- you know, I'm not sure what your
2 problem is going to be there regarding the
3 First Christ Apostolic Church, but this
4 property abuts on Stadium Club.

5 MR. DICKSON: Yes.

6 MS. DICKSON: That's what we
7 found. Yes, we --

8 MEMBER ALBERTI: What? No, no,
9 this is southeast.

10 MEMBER SILVERSTEIN: Northeast.
11 This is the one at 24th Place, N.E.

12 MEMBER ALBERTI: But they couldn't
13 get the one northeast.

14 MR. DICKSON: Yeah.

15 MEMBER SILVERSTEIN: You're
16 telling us you cannot get it?

17 MR. DICKSON: Yeah.

18 MEMBER ALBERTI: Right. That's
19 off the table, Mike.

20 MEMBER BROOKS: There is one at 37
21 L Street.

22 MEMBER ALBERTI: That was the one

1 that --

2 MEMBER SILVERSTEIN: Because you
3 can't have that. I mean, that --

4 MS. DICKSON: Right.

5 MEMBER ALBERTI: Right.

6 MR. DICKSON: No.

7 MEMBER ALBERTI: I don't know why
8 we are discussing this. It's off the table.

9 MEMBER SILVERSTEIN: I didn't
10 understand. I didn't hear what you were
11 saying.

12 CHAIRPERSON MILLER: Okay.

13 MEMBER SILVERSTEIN: Okay. I
14 apologize.

15 MEMBER ALBERTI: Catch up.

16 MEMBER SILVERSTEIN: I was looking
17 at -- I did not hear that. I was busy looking
18 at this and when I saw the letter, I
19 immediately went to staff and said is this
20 possible to get it and, you know, we learned
21 you can't have it. I apologize.

22 MEMBER ALBERTI: We forgive you,

1 Mr. Silverstein.

2 MEMBER SILVERSTEIN: That's why I
3 was over there in conference.

4 CHAIRPERSON MILLER: Okay. Mr.
5 Rodriguez has a question.

6 MEMBER RODRIGUEZ: Yes. Mr. and
7 Mrs. Dickson, my name is Hector Rodriguez.
8 I'm new on the Board and I'm glad to meet you
9 all. I have a few questions.

10 MS. DICKSON: Okay.

11 MEMBER RODRIGUEZ: You mentioned
12 that you are looking at a new place that has
13 over 9,000 square feet?

14 MR. DICKSON: Yes, sir.

15 MEMBER RODRIGUEZ: And what is
16 that per square foot? What is the cost per
17 square foot?

18 MEMBER ALBERTI: I think what he
19 is asking, if you were to lease it, what would
20 the cost per square foot be per month?

21 MR. DICKSON: To lease it --

22 MEMBER ALBERTI: Per year.

1 MEMBER RODRIGUEZ: Per month,
2 yeah.

3 MR. DICKSON: \$20 per square foot.

4 MEMBER ALBERTI: For per month?

5 MR. DICKSON: Per month.

6 MEMBER RODRIGUEZ: That would be
7 \$180,000 per month? Is my math right? Could
8 somebody check me on my math?

9 MS. DICKSON: Somebody better
10 check.

11 MEMBER ALBERTI: No, your math is
12 correct.

13 MR. DICKSON: No, I don't --

14 MEMBER ALBERTI: No, that math is
15 correct. I can tell you.

16 MR. DICKSON: Then it's my
17 mistake.

18 CHAIRPERSON MILLER: Right.

19 MR. DICKSON: There's no way
20 possible. That would be senseless for us to
21 pay that amount of money when we could
22 probably buy it for probably \$500 or \$600,000.

1 MEMBER RODRIGUEZ: I'm glad you
2 said that and I didn't.

3 MEMBER ALBERTI: Actually, Mr.
4 Dickson, if you could get that for \$500,000 or
5 \$600,000, if I was you, I would buy it in a
6 heartbeat. I wouldn't even think twice.

7 MR. DICKSON: You're right.

8 MEMBER ALBERTI: I'm familiar with
9 real estate prices down there.

10 MR. DICKSON: Oh, okay.

11 MEMBER RODRIGUEZ: I have no more
12 questions. Thank you.

13 MR. DICKSON: Thank you, sir.

14 MEMBER SILVERSTEIN: Mr. Alberti,
15 if I could buy that for \$600,000, I would be
16 doing the dancing and it would be a happy
17 dance.

18 MR. DICKSON: I'm not familiar
19 with the real estate there.

20 MEMBER ALBERTI: I would have to
21 watch my back against you, Mr. Silverstein.

22 MEMBER SILVERSTEIN: I'm not sure

1 what to make of that, Mr. Alberti.

2 MEMBER ALBERTI: We both would be
3 fighting for it.

4 MR. DICKSON: I find what Mr.
5 Alberti --

6 MEMBER SILVERSTEIN: And parking.

7 MR. DICKSON: \$180,000, that
8 question was --

9 CHAIRPERSON MILLER: Yes, oh, yes,
10 Mr. Short?

11 MEMBER SHORT: Mr. Dickson and Ms.
12 Dickson, so to sum up, pretty much the
13 questions have been asked of what you're
14 asking the Board to do and you know we can't
15 drag this on forever.

16 MR. DICKSON: We understand that.

17 MEMBER SHORT: What are you going
18 to be doing in the next 90 days?

19 MS. DICKSON: Getting a lease.

20 MR. DICKSON: Still working hard
21 trying to find a place and get it settled, so
22 we can send the Board a letter saying hey,

1 this is in negotiation. This is a tentative
2 lease.

3 MEMBER SHORT: So the L Street
4 address is in negotiations right now?

5 MR. DICKSON: We just got it. I
6 mean, we just found out about it the other
7 day. So the realtor is working on it, yes,
8 but, you know, I can't tell you whether he has
9 met the owner or talked to the owner or
10 anything else. I don't know.

11 MEMBER SHORT: You all are working
12 on it?

13 MEMBER RODRIGUEZ: I think we
14 should have a brief discussion.

15 CHAIRPERSON MILLER: That's what
16 I'm hearing. Okay. All right. Are there
17 other questions? Okay. So okay, we think we
18 have an understanding of your situation and we
19 are just going to take a short break and
20 discuss it in closed session and then come
21 back.

22 So if there is anything else you

1 need to tell us right now, feel free,
2 otherwise, we are going to come back. We are
3 just going to have a brief discussion as to
4 where we see this proceeding, how we see this
5 proceeding. Okay. All right.

6 So we are going to take a vote
7 then to go into closed session.

8 As Chairperson of the Alcoholic
9 Beverage Control Board for the District of
10 Columbia and in accordance with Section 405 of
11 the Open Meetings Amendment Act of 2010, I
12 move that the ABC Board hold a closed meeting
13 for the purpose of seeking legal advice from
14 our counsel on the Fact-Finding Case of
15 Rendezvous per Section 405(b)(4) of the Open
16 Meetings Amendment Act of 2010, and
17 deliberating upon this case for the reasons
18 cited in Section 405(b)(13) of the Open
19 Meetings Amendment Act of 2010.

20 Is there a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks

1 has seconded the motion. I'm going to take a
2 roll call vote now that it has been seconded.

3 Mr. Brooks?

4 MEMBER BROOKS: I agree.

5 CHAIRPERSON MILLER: Mr. Alberti?

6 MEMBER ALBERTI: I agree.

7 CHAIRPERSON MILLER: Mr.

8 Rodriguez?

9 MEMBER RODRIGUEZ: I agree.

10 CHAIRPERSON MILLER: Ms. Miller
11 agrees.

12 Mr. Silverstein?

13 MEMBER SILVERSTEIN: I agree.

14 CHAIRPERSON MILLER: And, Mr.

15 Short?

16 MEMBER SHORT: I agree.

17 CHAIRPERSON MILLER: Okay. The
18 motion has passed by a vote of 6-0-0. So the
19 Board will now recess to closed session and we
20 will return shortly.

21 (Whereupon, at 11:34 a.m. a recess
22 until 11:46 a.m.)

1 CHAIRPERSON MILLER: Okay. We are
2 back on the record. The Board had a chance to
3 consider what was said in the public hearing
4 and now I'm going to just report back our
5 understandings and give clear direction for
6 the future.

7 So we do appreciate that you have
8 a difficult task and that you have been
9 working at it. We also think that this is a
10 finite task though and that, you know, we need
11 to put closure on this as well and that this
12 can also have an end point.

13 And you have asked for six more
14 months and you have been, you know, specific
15 enough to convince us that you are working
16 diligently at this and conferring with the
17 ABRA staff and the Zoning staff and realtors.

18 On the other hand, it is finite.
19 We are talking there is only a certain area
20 that you can go in with your intent to do the
21 nude dancing. If you do other kind of
22 entertainment and not nude dancing, then

1 that's a whole other issue and you are not
2 subject to the same safekeeping issue and you
3 can explore that with staff.

4 But we are talking now about the
5 nude dancing license. So I will be making a
6 motion, but I want to explain that you have
7 said, you know, six months is sufficient and
8 we think it is, too, given the period of time
9 you have already had.

10 So we are going to be giving you
11 another six months, but that will be final.
12 You know, if there is -- there is not going to
13 be another Fact-Finding Hearing about what are
14 you doing or whatever. It is just that's it
15 and if you can do it in six months, great. If
16 you can't, then you probably should go to Plan
17 B and do your entertainment without nude
18 dancing.

19 So all right. I'm going to make a
20 motion and then if you have any questions
21 afterwards, you can feel free to ask us.

22 Therefore, I am going to move that

1 we give the licensees another six months to
2 keep the license in safekeeping, which will
3 expire on August 20, 2013. And by that date,
4 the licensee shall submit to the Board a
5 transfer application and a signed purchase
6 agreement or lease agreement, which will be
7 evidence of their transferring the license in
8 order to avoid cancellation of the license.

9 MR. DICKSON: Madam Chairman, can
10 I interrupt you for one second? 2014, you
11 said 2013.

12 CHAIRPERSON MILLER: I'm sorry.
13 Okay. All right. Okay. Is my motion clear
14 to Board Members now, that that would be
15 August 20, 2014, we would either receive those
16 documents, the transfer application and a
17 signed purchase agreement or a lease agreement
18 or else the license for nude dancing would be
19 canceled on August 20th.

20 MEMBER ALBERTI: I'm sorry, Ms.
21 Miller, just so it's clear.

22 CHAIRPERSON MILLER: Yes.

1 MEMBER ALBERTI: When we say a
2 signed lease agreement or purchase agreement,
3 this is a lease or a sale agreement that has
4 been enacted. We have the signatures from
5 both, this party --

6 CHAIRPERSON MILLER: Right.

7 MEMBER ALBERTI: -- and the owners
8 of the property, correct?

9 CHAIRPERSON MILLER: Correct.

10 MEMBER ALBERTI: I just want to
11 make sure that you understand that.

12 CHAIRPERSON MILLER: Which would
13 show --

14 MEMBER ALBERTI: Not a Memo of
15 Understanding. This is actually --

16 MR. DICKSON: You want something
17 concrete.

18 MEMBER ALBERTI: -- a fulfilled
19 contract.

20 MR. DICKSON: A signed lease.

21 MEMBER ALBERTI: Okay.

22 CHAIRPERSON MILLER: To show that

1 this license has a place to be, right, for
2 sure. And this will be put in a written
3 order.

4 MEMBER ALBERTI: Okay.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: Thank you. I
7 just wanted to make sure it was clear to
8 everyone.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: And this is a
11 major step and I just wanted to make sure that
12 there is no misunderstanding.

13 CHAIRPERSON MILLER: Okay. Other
14 questions or comments by Board Members? All
15 right. Has my motion been seconded?

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 Okay. So now, I want to ask you
3 if you have any questions. You will get a
4 written order on this.

5 MS. DICKSON: That's what my
6 question was.

7 CHAIRPERSON MILLER: Yeah. And I
8 do encourage you to work with the ABRA staff
9 and don't let too much time pass, you know,
10 waiting. Okay.

11 MS. DICKSON: My son was really
12 sick and I had to take a little time for that.

13 CHAIRPERSON MILLER: Okay. All
14 right. Best of luck.

15 MR. DICKSON: Thank you --

16 MEMBER ALBERTI: Thanks.

17 MR. DICKSON: -- so much, Madam
18 Chair.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER RODRIGUEZ: Have a nice
21 day.

22 MR. DICKSON: You won't be sorry

1 you did that. I won't let it happen.

2 CHAIRPERSON MILLER: We know. You
3 do have a Plan B.

4 MR. DICKSON: I used to be a
5 fireman.

6 MEMBER SHORT: And you used to be
7 a police officer. I used to inspect your
8 establishments.

9 MR. DICKSON: Thank you. I
10 thought that was you, but I wasn't sure.

11 MEMBER ALBERTI: Bye-bye.

12 CHAIRPERSON MILLER: Bye-bye.

13 MR. DICKSON: Bye.

14 CHAIRPERSON MILLER: Okay. I
15 think that completes our hearings for this
16 morning. And the Board will be recessing and
17 come back after lunch for the afternoon agenda
18 and hearings.

19 (Whereupon, the Fact-Finding
20 Hearing in the above-entitled matter was
21 concluded at 11:51 a.m.)

22

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